



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 25, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0148

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.185 – TSK 1. Completing the Search Warrant (In Person, Business Hours) 4. Leaves a copy of the warrant and return of service at the location.	Not Sustained - Unfounded
# 2	5.001 – Standards and Duties. 10. Employees Will Strive to be Professional	Not Sustained - Lawful and Proper

Named Employee #2

Allegation(s):		Director's Findings
# 1	6.185 – TSK 1. Completing the Search Warrant (In Person, Business Hours) 4. Leaves a copy of the warrant and return of service at the location.	Allegation Removed
# 2	5.001 – Standards and Duties. 10. Employees Will Strive to be Professional	Not Sustained - Lawful and Proper

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Seattle Police Department (SPD) officers executed a search warrant at the Complainant's apartment. The Complainant alleged that officers failed to leave a copy of the search warrant. The Complainant further alleged that officers put holes in her walls and damaged other items during the search.

ADMINISTRATIVE NOTE:

On August 4, 2023, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA received the complaint and opened an investigation, reviewing the OPA complaint, computer-aided dispatch (CAD) call report, incident and supplement reports, search warrant documents, and search warrant execution training. OPA also interviewed Named Employee #1 (NE#1).



A. OPA Complaint

The Complainant wrote that on March 13, 2023, she took Community Member #1 (CM#1)—the father of the Complainant’s children—to meet his parole officer. The Complainant wrote that while waiting in her car, two officers approached and told her that SPD and a SWAT team searched her home for drugs. The Complainant wrote that SPD “trashed” her home and requested compensation for damages. The Complainant indicated that SPD did not leave a copy of the warrant. The Complainant wrote that CM#1 did not live with her. The Complainant believed SPD invaded her privacy, making her feel unsafe. The Complainant did not name an SPD officer in her complaint.

B. Computer-Aided Dispatch (CAD) Call Report

On March 13, 2023, at 6:12 A.M., CAD call remarks noted, “[MAJOR CRIMES TASK FORCE AND NARCOTICS] DETECTIVES TO EXECUTE A SEARCH WARRANT AND ARREST WITH SPD SWAT AND [COMMUNITY RESPONSE GROUP]. UNDERCOVER OFFICERS ON SCENE.” The CAD call report stated that eighteen SWAT officers and five other units logged to the call.

C. Incident and Supplement Reports

NE#1 wrote an incident report. NE#1 wrote that on March 3, 2023, SPD officers completed a narcotics investigation and secured a search warrant, outlining probable cause to search an apartment and vehicle associated with CM#1. NE#1 wrote that a King County Superior Court judge signed the search warrant, establishing probable cause under the Violation of the Uniform Controlled Substance Act (VUCSA). NE#1 wrote that officers arrested CM#1 at a Department of Corrections (DOC) office in Auburn.

NE#1 wrote that SPD executed the search warrant on CM#1’s residence and vehicle. NE#1 documented locating multiple items belonging to CM#1 in the residence, including two firearms, a loaded magazine, bullets, clothing, shoes, an employee identification badge, bills and documents with CM#1’s name, a safe containing cash and documents relating to CM#1’s court appearances and certificates of completion, two coffee cups that the Complainant reported were CM#1’s, and cash throughout the residence. NE#1 documented CM#1’s criminal history and wrote that CM#1 was under DOC supervision and prohibited from accessing a firearm. NE#1 wrote that CM#1 was booked into the King County Jail for two counts of unlawful possession of firearms under RCW 9.41.040.

Witness Officer #1 (WO#1)—a SWAT officer—wrote a supplemental report. WO#1 wrote that he went to CM#1’s door, knocked loudly, announced that he was an SPD officer with a search warrant, and waited “a reasonable amount of time” for a response. WO#1 wrote that a sergeant authorized a breach, and WO#1 used a ram to force entry, damaging the door and door frame.

D. Search Warrant Documents

NE#1 wrote a search warrant affidavit. A King County Superior Court judge approved the search warrant after finding probable cause for VUCSA. The search warrant authorized an officer to search CM#1’s residence and a vehicle and seize evidence of VUCSA. The search warrant required the officer to provide the court with an inventory of seized property. The search warrant also instructed, “A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.”



NE#1 filled out a document titled “Inventory and Return of Search Warrant” for CM#1’s residence. That document said, “Warrant and return of service was left inside the residence.” It also identified all property seized from the residence. NE#1 signed the document on March 13, 2023.

NE#1 filled out a document titled “Inventory and Return of Search Warrant” for a vehicle. That document said, “Warrant and return of service was left inside the vehicle.” It also said no property was seized from the vehicle. NE#1 signed the document on March 13, 2023.

E. Photographs

NE#1 took 110 photographs associated with the search warrant execution. In addition to photographing the evidence seized, NE#1 photographed the residence before (“before” images) and after (“after” images) the execution of the search. The “before” images showed various rooms of the apartment, the furniture, and the layout. The “before” images did not show any damaged walls. The “after” images showed various rooms of the apartment with items moved or removed from storage containers and closets. The “after” images did not show any broken items or furniture. The “after” images also did not show any damaged walls. NE#1 photographed two documents—a copy of the search warrant and the inventory and return of the search warrant—on the kitchen counter. NE#1 also photographed the front door before and after entry. The “after” image showed damage to the door frame.

F. Search Warrant Execution Training

OPA contacted SWAT’s chain of command, inquiring about its search warrant execution training. Witness Officer #2 (WO#2)—a SWAT lieutenant—said SWAT officers learn entry training, which is “scouting, planning, contingencies, approach, breaching, safe entry, room clearing, team leader responsibilities, worst-case scenarios, and other tasks associated with the entry.” WO#2 also said, “SWAT does not train the evidence search tasks associated with search warrant service.”

G. OPA Interview

The Complainant did not respond to OPA’s multiple requests for an interview.

OPA interviewed NE#1. NE#1 said she was present during the search warrant execution. NE#1 said a SWAT team surrounded the apartment, ordered anyone to come out, and forced open the door using a tool when no one answered. NE#1 said the SWAT team searched for people inside to ensure the apartment was safe. NE#1 said she photographed the evidence collected and the residence before and after the search. NE#1 said she photographed all areas of the apartment. NE#1 said there was damage to the door frame caused by SWAT’s forced entry. NE#1 said the search team located a safe and asked the Complainant for its code, but she could not provide the correct code. NE#1 said Eastside Fire and Rescue forced open the safe using a tool. NE#1 said she left a copy of the warrant and the return of service at the residence. NE#1 said she saw no holes in the apartment’s walls before or after the apartment was searched.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1



6.185 – TSK 1. Completing the Search Warrant (In Person, Business Hours) 4. Leaves a copy of the warrant and return of service at the location

The Complainant alleged that NE#1 did not leave a copy of the search warrant at her residence.

When writing a warrant and presenting it to a judge in person and during business hours, the officer or detective must leave a copy of the warrant and return of service at the location. SPD Policy 6.185-TSK-1(4).

Here, the evidence shows that NE#1 complied with this policy. First, NE#1 said she left a copy of the warrant and return of service at the Complainant's residence. Second, NE#1 filled out and signed the "Inventory and Return of Search Warrant" document, which said, "Warrant and return of service was left inside the residence." Third, NE#1 photographed the documents on the Complainant's kitchen counter.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 – Allegation #2

5.001 – Standards and Duties. 10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 was unprofessional.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.*

Here, the Complainant alleged that NE#1 "trashed" her apartment, put holes in the walls, broke picture frames, and poured cereal from cereal boxes. The Complainant's allegation could not be corroborated based on the photographs NE#1 took before and after the search warrant execution. Although "after" images showed items and clothes moved or removed from storage containers and closets, OPA did not see any damage to the apartment's walls, broken pictures, or cereal poured out. NE#1 also said that she did not see any holes in the apartment's walls before and after the search.

However, there was damage to the front door caused by SWAT's forcible entry into the apartment. The damage was photographed by NE#1 and documented in a supplement report by WO#1. SWAT officers are trained to force entry when executing a search warrant. Here, SWAT's forcible entry was consistent with that training. There was also damage to the safe located in the residence. Officers asked the Complainant for the correct code. Officers then forced open the safe when the Complainant could not provide the correct code. The search warrant authorized officers to search inside the safe, even if that required them to open it forcibly. While the door and safe were damaged during SPD's search warrant execution, OPA finds that NE#1—and fellow officers executing the search warrant in her case—executed the search consistent with the search warrant's parameters and their training.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper**



Named Employee #2 – Allegation #1

6.185 – TSK 1. Completing the Search Warrant (In Person, Business Hours) 4. Leaves a copy of the warrant and return of service at the location

The Complainant alleged that Named Employee #2 (NE#2)—an unknown employee—did not leave a copy of the search warrant at her residence.

During its intake investigation, OPA could not identify an officer to whom this allegation applied. The evidence indicated that this allegation concerned NE#1 only.

Accordingly, the allegation was removed.

Recommended Finding: **Allegation Removed**

Named Employee #2 – Allegation #2

5.001 – Standards and Duties. 10. Employees Will Strive to be Professional

The Complainant alleged that NE#2 was unprofessional.

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained - Lawful and Proper**